

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Unula B. Abebe, a/k/a)	
Unula Boo-Shawn Abebe,)	C/A No. 0:11-1215-MBS
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Larry Propes, Clerk of Court; Margaret B.)	
Seymour, Judge; United States, Department)	
of Justice,)	
)	
Defendants.)	
_____)	

Plaintiff Unula Boo-Shawn Abebe is an inmate currently in the custody of the South Carolina Department of Corrections (SCDC). Plaintiff, proceeding pro se, brings this action alleging that his rights have been violated and he has suffered emotional distress because the Office of the Clerk of Court has sent him “unsigned, non clocked stamped copies of judicial orders[.]” Plaintiff alleges that the documents electronically filed through the Case Management-Electronic Case Filing System (CM-ECF) are void. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A and the Prison Litigation Reform Act. On June 3, 2011, the Magistrate Judge filed a Report and Recommendation in which she recommended that the case be summarily dismissed because (1) Defendant Seymour is entitled to judicial immunity; (2) Defendant Propes is entitled to quasi-judicial immunity; and (3) Defendants United States/United States Department of Justice are not cognizable defendants under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971); (4)

to the extent Plaintiff's claim is raised under the Federal Tort Claims Act, Plaintiff must first seek his administrative remedies; and (5) Plaintiff is not entitled to damages for emotional distress. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff's complaint is summarily dismissed, without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour

United States District Judge

Columbia, South Carolina
June 29, 2011.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.